

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 19-247 (PAM)

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) ORDER OF DETENTION
)
TATHONY M. BROWN,)
)
Defendant.)

This matter came before the Court on February 21, 2020, for a preliminary and detention hearing following a petition alleging violations of Mr. Brown's Supervised Release conditions. The United States was represented by Assistant United States Attorney Katharine T. Buzicky. Mr. Brown appeared in custody and was represented by Lisa M. Lopez. After consideration of the Petition on Supervised Release, the alleged violations, and Mr. Brown's preliminary hearing waiver, the Court concludes that probable cause exists to believe that Mr. Brown violated the conditions of his supervised release. The Court further concludes Mr. Brown has not established by clear and convincing evidence that he will not pose a danger to the community. Accordingly, Mr. Brown shall be detained pending a final revocation hearing.

FINDINGS OF FACT

1. Mr. Brown is on supervised release after serving a sentence for Felon in Possession of a Firearm. On November 19, 2019, Mr. Brown was charged in Hennepin County with Theft-Take/Drive a Motor Vehicle without Owner Consent (Felony) and Fleeing a Peace Officer in a Motor Vehicle (Felony). On or about December 25, 2019, Mr. Brown left his

Residential Reentry Center without permission and was subsequently terminated from placement. As a result of these violations, the Court issued an arrest warrant for Brown to show cause why his release should not be revoked. Those proceedings were continued and Mr. Brown remained on release with special conditions. Since then, Mr. Brown has maintained employment at a Wendy's Restaurant.

2. Since the last continuance, Mr. Brown has violated his conditions of release on two occasions. On February 5, 2020, Mr. Brown tested positive for marijuana. On February 17, 2020, Minneapolis Police arrested Mr. Brown for Domestic Assault-Misdemeanor.

3. Mr. Brown waived his right to a preliminary hearing on February 21, 2020.

CONCLUSIONS OF LAW

Under Federal Rules of Criminal Procedure 32.1(a)(6) and 18 U.S.C. § 3143(a)(1), a person who is awaiting further proceedings on a Petition on Supervised release shall be detained unless the person establishes by clear and convincing evidence that the person will not flee or pose a danger to any other person or to the community. On this record, Mr. Brown has not established by clear and convincing evidence that he will not pose a danger to any other person or the community or appear at future proceedings. Lesser conditions have been utilized without success. The Court acknowledges Mr. Brown's effort to maintain employment. The Court is also aware that Mr. Brown's mental health evaluation has not been completed. If it can be arranged, the Court will consider a short furlough in order for Mr. Brown to complete his mental health evaluation.

For the foregoing reasons, **IT IS HEREBY ORDERED** that:

1. The motion of the United States for detention is GRANTED;

2. Mr. Brown is committed to the custody of the Attorney General;
3. Mr. Brown shall be detained pending the final revocation hearing;
4. Mr. Brown shall be afforded reasonable opportunity to consult privately with counsel; and
5. Upon Order of the Court, the person in charge of the corrections facility in which Mr. Brown is confined shall deliver Mr. Brown to the United States Marshal for the purpose of appearance in connection with further court proceedings.

Dated: February 27, 2020

s/Katherine M. Menendez
KATHERINE M. MENENDEZ
United States Magistrate Judge